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7 Attorneys for Plaintiffs
 BROADCAST MUSIC, INC. et al.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

E-FILED - 12/6/07

12 BROADCAST MUSIC, INC. et al,

13 Plaintiffs,

14 v.

15 NEW PEE WEE MULDOON'S BAR &
 16 GRILL, INC. d/b/a PEE WEE
 MULDOON'S/DAI-ICHI SUSHI, MILAN M.
 17 PETROVICH, RHONDA PETROVICH,
 18 STEVE KRAUT and KATHY KRAUT, each
 individually,

19 Defendants.

No. C07-0368 RMW

Action Filed January 18, 2007

JOINT REQUEST FOR STAY OF
 PROCEEDINGS AND ORDER

20 **JOINT STIPULATION FOR STAY OF PROCEEDINGS**

21 All parties to this action jointly request that the Court enter an order staying all further
 22 proceedings in the litigation. Plaintiffs and Defendants have been engaged in settlement
 23 discussions, which have advanced significantly. The parties nonetheless agree that it would
 24 be productive to continue these settlement discussions and that this litigation could become
 25 unnecessary within a relatively short period of time. In order to avoid the burden and
 26 potentially unnecessary expense of litigating this action while settlement negotiations are
 27 concluding, and in order to avoid the potentially needless commitment of judicial resources
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JNT. STIP. FOR A STAY OF ALL PROCEEDINGS AND [XXXXX] ORDER 07-0368 RMW

HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN

1 to this appeal, the parties hereby jointly request that this Court stay all proceedings in this
2 action.

3 Plaintiffs BROADCAST MUSIC, INC. ("BMI") filed a complaint in this Court
4 alleging federal copyright infringement against Defendants New Pee Wee Muldoon's Bar
5 and Grill/d/b/a Pee Wee Muldoon's/Dai-Ichi Sushi, Milan M. Petrovich and Kenneth
6 Bennert, Case No. C07-0368 RMW, and subsequently filed a First Amended Complaint to
7 dismiss Defendant Kenneth Bennert and to add Defendants Rhonda Petrovich, Steve Kraut
8 and Kathy Kraut. The parties settled in principle and entered into a Settlement Agreement
9 and Release (the "Settlement Agreement"). Pursuant to the Settlement Agreement,
10 Defendants are to pay BMI a settlement amount, due and payable over time. An initial
11 settlement payment (the "Initial Settlement Payment") is due and payable no later than
12 January 10, 2008, with the remaining settlement payments due over a 12-month period.
13 The parties have agreed to a Stipulated Consent Judgment, to be submitted to the Court for
14 entry should Defendants default on any one of the subsequent settlement payments.

15 The parties have agreed that, once BMI receives the Initial Settlement Payment and
16 such Payment clears, BMI will dismiss the action, requesting that the Court retain
17 jurisdiction solely for the purpose of entering the Stipulated Consent Judgment, should it be
18 filed.

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1 The parties therefore jointly request that the Court enter its order staying all further
 2 proceedings in this action, pending BMI's receipt and the clearance of the Initial Settlement
 3 Payment. If the Court wishes to include a provision in the order requiring the periodic filing
 4 of a status report, BMI will be pleased to provide any such required reports.

5 DATED: November 14, 2007.

6 Respectfully,

7 KAREN S. FRANK
 8 SARAH M. KING
 9 HOWARD, RICE, NEMEROVSKI, CANADY,
 FALK & RABKIN
 A Professional Corporation

10 By: Sarah King

KAREN S. FRANK
 SARAH M. KING

11 Attorneys for Plaintiffs BROADCAST MUSIC,
 12 INC. et al.

13 HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN
 A Professional Corporation

14 DATED: November 13, 2007.

15 SCOTT ZIMMERMAN

16 By: Scott Zimmerman

SCOTT ZIMMERMAN

17 Attorneys for Defendants NEW PEE WEE
 18 MULDOON'S BAR & GRILL, INC. d/b/a PEE
 19 WEE MULDOON'S/DAI-ICHI SUSHI, MILAN
 20 M. PETROVICH, RHONDA PETROVICH,
 21 STEVE KRAUT and KATHY KRAUT

1 **XXXXXXXXXXXXXXXXXXXX ORDER STAYING ALL FURTHER**
2 **PROCEEDINGS**

3 GOOD CAUSE APPEARING, and pursuant to a joint request by all parties for entry
4 of this order, all further proceedings in this action are stayed. Any party may apply for relief
5 from this stay at any time for good cause. [Plaintiff is directed to file with this court and
6 serve upon all other parties to this action a status report in xxxxx 90 days informing the court
7 of any events relevant to the continuing prosecution of this action, unless the case has been dismissed.]

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 DATED: 12/6/07

10 *Ronald M. Whyte*

11 THE HON. RONALD M. WHYTE
12 DISTRICT COURT JUDGE

13 HOWARD
14 RICE
NEMEROVSKI
CANADY
FALK
& RABIN
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